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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,499	06/25/1999	JOHN S. HENDRICKS	026880.00014	9133

4372 7590 02/27/2006
ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
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WASHINGTON, DC 20036

EXAMINER

KNEPPER, DAVID D

ART UNIT PAPER NUMBER

2654

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/344,499

Applicant(s)

HENDRICKS ET AL.

Examiner

David D. Knepper

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-62 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's correspondence filed on 4 November 2004 has been received. Claims 1-62 are pending.
2. As previously noted, Mr. Wooden confirmed on 22 April 2005 that the applicant elected group I without traverse.
3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. **Claims 1-13, 22-34, and 59-62 drawn to Text to Speech, classified in class 704, subclass 260.**
 - II. Claims 18, 19, 39, 40, 55-58 drawn to Speech to Text, classified in class 704, subclass 235.
 - III. Claims 20, 21, 41, 42 drawn to Security Access, classified in class 704, subclass 273.
 - IV. Claims *14-17* and 35-38, drawn to Speech Controlled Systems, classified in class 704, subclass 275.
 - V. Claims *43-54*, drawn to computer graphics processing and selective visual display systems, classified in class 345.
4. Applicant's election without traverse of invention I in the reply filed on 4 November 2004 is acknowledged again.
5. Claims 14-21 and 35-42 were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4 November 2004.

6. The applicant's arguments and amendment indicate that claims 43-54 which were previously interpreted as limited to text-to-speech are directed to another invention. Therefore, these claims are further restricted as noted below:

V. Claims **43-54**, drawn to computer graphics processing and selective visual display systems, classified in class 345.

In particular, the amendment to claims 43-50 indicate that the claim steps are not intended to limit the audio function but are instead directed to the display on a viewer. Although the preamble to claims 51-54 have not been similarly amended, steps in these claims are amended to add sections within the screen indicating that the limitations were not intended to describe text-to-audio functions that were previously addressed. Also, the arguments on pages 20 and 22-24 of the 4 Nov 2005 correspondence indicate that these claims are directed to screen or display limitations as opposed to text-to-audio.

Thus, these claims would now be interpreted in view of display technology to include touch screens, software generated windows and other means or methods for dividing a screen into particular sections that did not previously seem relevant.

7. This application contains claims 14-21 and 35-52 drawn to inventions nonelected without traverse in Paper No. 2. A complete reply should include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Barring convincing evidence that the claims in group V should be considered as limited to text-to-audio, claims **1-13, 22-34, and 59-62** will be treated on the merits as non-elected by original presentation since this group contains claims originally limited to text-to-speech that the

applicant selected for examination as a result of restriction and this group contains the only claims that have been treated on the merits.

8. Since claims initially treated on the merits are now being restricted, the applicant is given an additional opportunity to address the situation.

9. Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

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Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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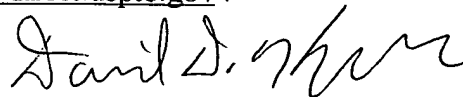
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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (571) 272-7607. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

For the Group 2600 receptionist or customer service call (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by email at ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.



David D. Knepper
Primary Examiner
Art Unit 2654
February 21, 2006